

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.#: Annexation #03005

PROPOSAL: Application by the Director of Planning to annex property generally located between Old Cheney and Pine Lake Roads, east of South 84th Street.

LAND AREA: Approximately 186.7 acres more or less.

CONCLUSION: The area requested to be annexed is completely surrounded by the City with the recent annexation of the Pine Lake S.I.D. This request is in conformance with the annexation policies of the Comprehensive Plan and the land should be annexed.

<u>RECOMMENDATION:</u>	Find that this annexation is in conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portion of Lot 56 I.T., the remaining portion of Lot 92 I.T., located in the NW 1/4 of Section 23-9-7; and Lots 6, 16, 23, 24, 25, 39, and 66, located in the West ½ of Section 14-9-7, Lancaster County, Nebraska, generally located at S. 84th Street and Pine Lake Road.

LOCATION: East of South 84th Street, generally between Old Cheney and Pine Lake Roads.

EXISTING ZONING: AG Agriculture and AGR Agricultural Residential

EXISTING LAND USE: Residential and agriculture.

SURROUNDING LAND USE AND ZONING:

North:	R-3	Residential
South:	B-5	Commercial
East:	R-3	Residential
West:	AGR	Residential

ASSOCIATED HISTORY:

July 21, 2003 Annexation #02003 to annex Pine Lake S.I.D. was approved by City Council.

- June 19, 2003** Pine Lake Plaza Preliminary Plat #02016 and the associated Annexation #02006 northwest of South 84th Street and Highway 2 was approved.
- November 13, 2001** Appian Way Preliminary Plat #01006 and Annexation #01006 located northeast of South 84th Street and Highway 2 were approved
- October 15, 1998** Annexation #98005 for Vintage Heights 2nd Addition was approved annexing approximately 300 acres of land.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - The Land Use Plan designates this area as Urban Residential, Green Space, and Commercial.

Page F27 - Urban Growth Tiers - This site is within Tier 1 of the Future Service Limit.

Page F154 - Annexation Policy - Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

- The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.

- The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

- Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

- Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

- The character of existing residential areas should be respected as much as possible during the annexation process. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

- Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

- Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

SPECIFIC INFORMATION:

UTILITIES AND SERVICES:

Sanitary Sewer -Sanitary sewer service exists in Vintage Heights, Appian Way (now called Prairie Lakes) and Pine Lake S.I.D., and can be extended to serve the area proposed for annexation.

Water -A water main exists in South 84th Street and serves surrounding development, and can be extended to serve the area to be annexed.

Fire Protection - Fire protection is currently provided by the Southeast Rural Fire District. After annexation, the City will provide fire protection where the first responding units will be dispatched from either Engine #12 at South 84th & South Streets or Engine # 6 at South 48th & Clair Streets. The Fire Department notes in their review concern about the ability of the Department to provide adequate service to the area, a general concern related to all annexations and new development at the edge of the City. If new hydrants are required in the area to provide fire protection, the City would need to install them unless there is a district created or a property builds a water main by executive order.

Schools - This area is currently affiliated with several different school districts, including Lincoln Public Schools, Waverly, Cheney, and Bennet/Palmyra. After annexation, the entire area will automatically be in the Lincoln Public School District.

ANALYSIS:

1. There are five residences in the area to be annexed, otherwise it's undeveloped agricultural land.
2. Development in this part of Lincoln has engulfed the area proposed for annexation. The most recent annexation, Pine Lake S.I.D. approved July 21, 2003, left this area entirely surrounded by the city limit.
3. The area to be annexed is within the City's Future Service Limit, as shown on Lincoln's Land Use Plan of the Comprehensive Plan (page F25).
4. This proposal is in conformance with the annexation policies on page F154 of the Comprehensive Plan. Specifically, land which is engulfed by the City should be annexed. Additionally, annexation generally implies the opportunity to access all City services (i.e., sewer, water, police, fire). These services can be provided to this area as development occurs, as they are already extended to surrounding annexed areas.

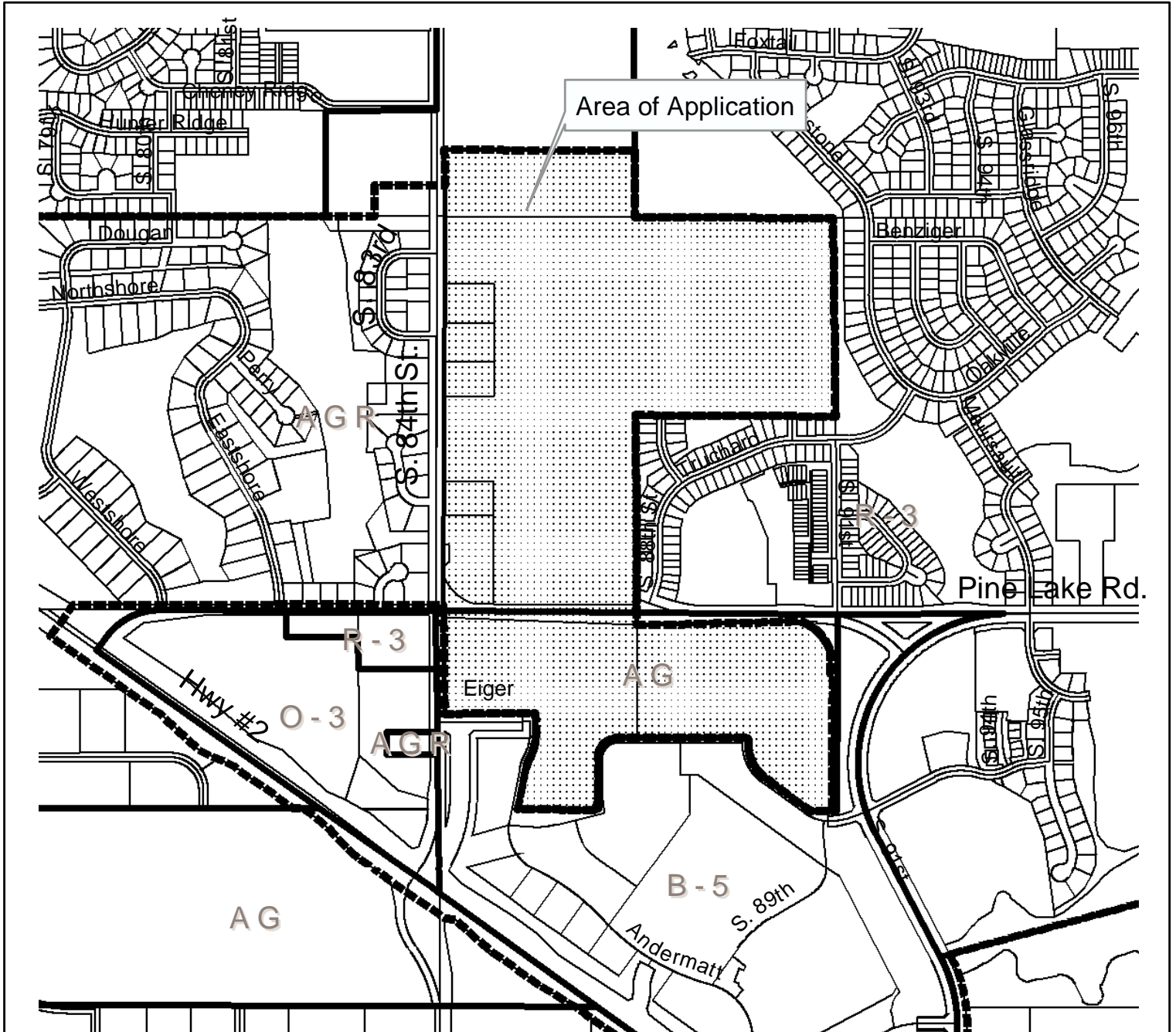
5. If there is a tappable sanitary sewer line within 300', property owners are required by ordinance to connect to the City's system. In this case, the sewer line in South 84th Street is not tappable and the property owners will not be required to connect to it.
6. There is no specific development proposal associated with this annexation, and there is no annexation agreement. After annexation, any development will be subject to the City's impact fees.
7. A letter informing property owners of the proposed annexation was mailed to affected owners on July 11, 2003. A copy of the letter is attached.

Prepared by:

Brian Will
Planner
July 23, 2003

APPLICANT: Marvin Krout, Planning Director
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508
(402) 441-7491

CONTACT: Brian Will
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508
(402) 441-6362

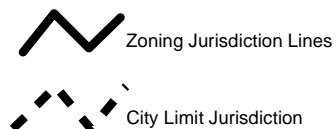


Annexation #03005 S. 84th St. & Pine Lake Rd.

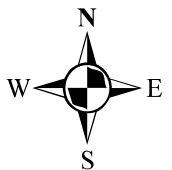
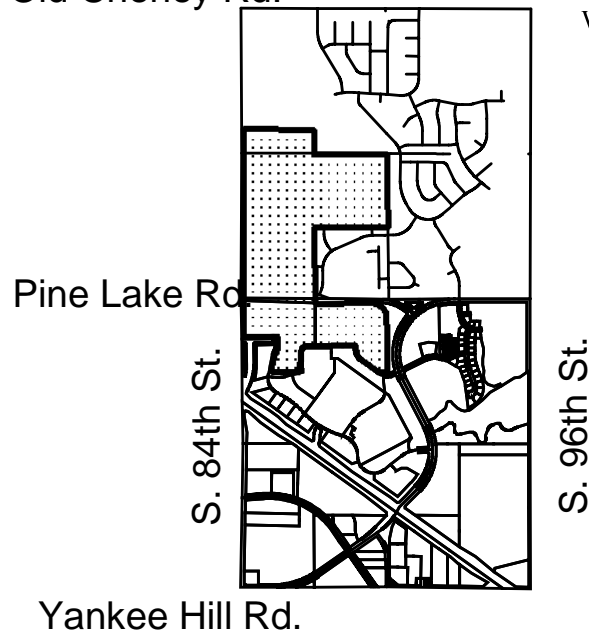
Zoning:

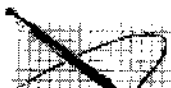
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 14 T9N R7E



Old Cheney Rd.





Richard J Furasek

To: Brian J Will/Notes@Notes

07/17/2003 03:41 PM

cc:

Subject: South 84th and Pine Lake Road

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

We have looked at the area of proposed annexation. Our concern is the lack of water and the ability to have it brought to the scene of the fire if one should occur in the area. Also the lack of fire stations in this area for us to provide the level of service that Lincoln residents expect is a major concern. The responses in this area are continuing to increase with each new annexation.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will

DATE: July 21, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: S. 84th & Pine Lake RD
Proposed Annexation

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed annexation located approximately at 84th and Pine Lake Road with the following items noted:

- When municipal sewer becomes available and within 300 feet of the properties involved, connection must be made to the sewer within six months of the day it becomes available. Within 30 days after connection to the sewer any individual system must be properly abandoned all according to Chapter 24.38 of the Lincoln Municipal Code.
- After annexation, these properties can either connect to the municipal water system and properly abandon their wells or if they choose to keep their wells, they must obtain a biennial well permit from the LLCHD as outlined in Chapter 8.44 of the Lincoln Municipal Code.
- The proposed annexation is located within the Pine Lake Wellhead Protection Area. Best management practices (BMP) should be utilized to decrease the risk of groundwater contamination. For example, being conscientious regarding the use of lawn chemicals/fertilizers and ensuring the proper the storage of chemicals and/or fuels.



Norm Agena
<nagena@co.lancaster
.ne.us>

To: bwilf@ci.lincoln.ne.us
cc:
Subject: S. 84th & Pine Lake Road annexation

07/15/2003 10:09 AM

The proposed area is in taxing district #175. The 2002 tax rate is 1.6089930

After the annexation it will be in taxing district #1. The 2002 tax rate is 2.02742

Based on the 2002 tax rates, there would be an increase of \$4.18 per thousand dollars of assessed value. If you need additional information please give me a call at 441-8774

Norman H. Agena

Lincoln



Nebraska's Capital City

Mayor Coleen J. Seng

July 11, 2003

Dear Property Owner:

RE: Proposed annexation of land east of South 84th Street, and between Cheney Ridge Road and Highway 2 (please see the attached map).

The City of Lincoln is initiating the process for annexation of those properties generally located east of South 84th Street, and between Cheney Ridge Road and Highway 2 (please see the attached map). The annexation is being initiated because the property that you own in this area will be surrounded by the City of Lincoln with the imminent annexation of Pine Lake S.I.D., and it is the policy of the City to annex land in such cases.

Included is a list of questions and answers to some of the common questions typically asked about annexation. Hopefully this will answer questions that you may have about the potential annexation. However, if you would like to speak to someone for clarification or more information, there is a list of staff contacts with phone numbers at the end of this letter.

What is the review process for annexations?

The proposed annexation is tentatively scheduled for Planning Commission public hearing on Wednesday, August 6, 2003 at 1:00 p.m. The hearing will be in the City Council-County Board Chamber on the first floor of the City-County Building at 555 South 10th Street. The meeting is open to the public and anyone may testify before the Planning Commission or send a letter to the Commission in advance. The meeting is also broadcast live on public access cable channel 5.

The Planning Commission is a nine-member body that will make a recommendation to the City Council on the conformance of the proposed annexation with the Comprehensive Plan. Once an annexation is proposed and the property owners are notified, the Planning Department prepares a staff report on behalf of city staff with a recommendation on the proposed annexation to the Planning Commission for their review and consideration. The report is available to the public the week before the hearing, on July 31st after 3:00 p.m. Once the Planning Commission makes its recommendation, an additional public hearing will be held by the City Council approximately 19 days after the Planning Commission takes action.

What is the City's Annexation Policy?

The Comprehensive Plan provides guidance on the issue of annexation. Applicable excerpts from pages F154 and F155 of the 2025 Comprehensive Plan are as follows:



Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

- City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.
- Land which is engulfed by the City should be annexed.

How would this affect property taxes?

Typically the property tax levy is greater after annexation due to the addition of the City of Lincoln levy. You may contact the County Assessor's Office at 441-7463 and they can determine how the levy rate will change for your specific circumstance.

If a property is not currently in the Lincoln Public School District (LPS), upon annexation it would transfer to LPS. Property owners would no longer pay the general levy of the school district that they are currently in, but would now pay the LPS general levy. However, according to state statutes, any property that was in a school district at the time of a bond election, must continue to pay on that district's bond until it is retired, even after property transfers to another district.

The City of Lincoln and Lincoln Public Schools have approved an agreement that provides that any area annexed by the City of Lincoln would not have to pay for LPS school bonds approved prior to annexation while it is still paying for the school bond of another school district. All property annexed will be subject to all future bonded indebtedness of LPS that are approved after the date of annexation. After annexation the property would not have to pay the property tax of a rural fire district.

Will homeowners be able to keep their septic systems or sewage lagoons?

According to City Ordinance "Sewage from any building or premises shall be discharged directly into the community sewerage system when the system is available and within 300 feet from the building or premises measured along a street, alley, or easement to the encasement of the sewer system." (Section 24.38.080 (a)) The system must be properly abandoned within six months per Section 24.38.080 (c). If the city sewer system is more than 300 feet away or is not available, the homeowner may retain the septic system.

Any property owner within an area could request the City create a sanitary sewer assessment district for the purpose of having a sanitary sewer line constructed. However, this assessment district would have to first be approved by the City Council after a public hearing. The City Council could then approve or deny the assessment district. If a district is approved, the city constructs the sewer line and abutting property owners pay the assessment over a twenty-year period.

Will homeowners be able to keep their wells?

Yes. Wells are allowed inside the city limits as long as the owner obtains an annual permit from the Lincoln/Lancaster County Health Department and the well meets city standards. Even if a city water main is available and adjacent to the property, the homeowner is not required to connect to the city water service. If a property owner chooses to hook up to city water, they could maintain their well for purposes of watering their lawn, etc.

Any property owner within the area could request the City create a water line assessment district for the purpose of having a water line constructed within the area. However, this assessment district would have to be first approved by the City Council after a public hearing. The City Council could then approve or deny the assessment district. If a district is approved, the city constructs the water line and abutting property owners pay the assessment over a twenty-year period.

How would fire service be handled?

Currently, properties outside of the city limits are served by a rural fire district. After annexation, the city fire department would handle all emergency and fire calls to the area. Since the fire department has a quicker response time in most cases, often there can be a benefit to residents in emergencies and a savings to the property owner on home owners insurance.

In the past, the City Fire Department has found that there are three options for providing fire protection to low density residential areas that currently don't have city water mains in place:

- Option 1 Continue to contract with a Rural Fire District to provide tanker water in the event of a fire. The Fire Department stated that this option provides a lesser level of service than city standards and does not provide a long term solution for this area if it is within the city limits.
- Option 2 The City could purchase a tanker truck to bring water to the site. This type of truck could cost \$60,000 to \$120,000. If it is needed in just one area, it could be housed out of a nearby station. However, the City currently does not have a facility capable of housing or staffing a water tanker. If annexation sites were spread throughout Lincoln, then multiple trucks might be needed.
- Option 3 Install water lines and fire hydrants by assessment district. This provides both water service and city standard fire protection to all residents. The Lincoln Fire Department typically recommends this option.

How could this affect streets in an area?

Once public streets are annexed, the City is responsible for minimum maintenance of the streets. Current City policy is that the City will not pay for graveling unpaved streets. For roads

that are already graded and graveled, the City will spread the gravel and level the street if the homeowners pay for the gravel. The City is responsible for snow removal.

Annexation does not require that the streets be brought up to city standard paving with curb and gutter. The city has numerous miles of streets that have been inside the city limits for decades and remain unpaved. For streets that end in cul-de-sacs or are dead-end streets that receive little traffic, the city has not pursued requiring these streets to be paved.

What about sidewalks, street trees and street lights?

Areas that do not have street lights are not required to install them upon annexation. Ornamental street lights can be done by an assessment district process that requires a majority of the affected owners to sign the requesting petition. The City Council then holds a public hearing on the proposed assessment district and would have to approve it before the ornamental lights could be constructed.

Annexation does not require the installation of sidewalks or street trees either. The City Council has the authority to order sidewalks constructed on any street. Current City policy is to focus sidewalk assessment districts in areas along school routes, arterial streets and areas of significant pedestrian traffic. Again, for streets that end in cul-de-sacs or dead ends, that receive little pedestrian traffic, the city has not pursued requiring sidewalk construction.

Upon what legal basis can the City annex property?

The City of Lincoln's ability to annex property comes from state authorization. The following is a general summary of annexation law in regards to the City of Lincoln:

- the City may at any time annex "contiguous or adjacent" lands,
- according to State statutes "land shall be deemed contiguous although a stream, embankment, strip or parcel of land, not more than 500 feet wide, lies between such land and the corporate limits,
- the Nebraska Supreme Court has voided "strip, corridor or flag" annexations in which the land is adjacent by only a narrow strip or neck of land,
- the City automatically annexes adjacent property upon subdivision if it is in the future urban area and must annex adjacent county roads during an annexation.

How would homeowners with 4 or more small animals be affected?

Fowl and small animals such as rabbits require a permit from the Health Department. A resident may have up to 3 dogs over the age of 6 months. A cat kennel permit is required to keep

more than one unaltered cat over the age of one year. All cats and dogs must be licensed and must have current rabies vaccinations.

For Further Information on These Specific Topics Please Call:

Septic Systems and Wells

John Miner, Health Department, at 441-8024

Streets, Sidewalks, City Sewer and Water

Dennis Bartels, Public Works, at 441-7595

General Information on Annexation and Process

Brian Will, Planning, at 441-6362

Horses, Dogs, Cats and Other Animals

Jim Weverka, Health Department, at 441-7900

If you have any further questions, please do not hesitate to call.